HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.18305 of 2007

Date: 30-08-2007.

Between :

M/s.Agro Tech Foods Limited, Secunderabad,
Rep. by its Manager-Direct Taxation.

.....Petitioner

And

The Commercial Tax Officer, Special Commodities Circle,
Saroornagar Division, Hyderabad & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Appeal is pending before the 3rd respondent. Stay application is pending before the 4th respondent, who has heard it on 23.08.2007 and reserved for orders. In the meantime, the 1st respondent has given a three days' notice of demand. After hearing learned counsel for the parties, we feel that the interests of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

Writ Petition is disposed of accordingly. No costs.

BILAL NAZKI, J

30th August 2007.

S. ANANDA REDDY, J

ajr